



Docket No.: C010690/0112483

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :)
Berend HOUWEN, *et al.*)
) Examiner: Gailene Gabel
Serial No.: 09/388,899)
) Art Unit: 1641
Filed: September 2, 1999)

For: **METHOD FOR CLASSIFYING AND COUNTING LEUKOCYTES**

March 1, 2004

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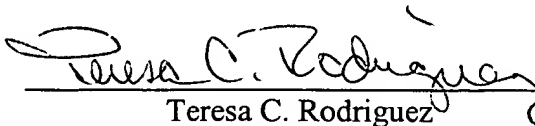
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03-02-04

RCE/1641A

PTO/SB/30 (05-03)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

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Application Number	09/388,899
Filing Date	September 2, 1999
First Named Inventor	Berend HOUWEN, et al.
Art Unit	1641
Examiner Name	Gailene Gabel
Attorney Docket Number	C010690/0112483

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Preliminary Amendment; Postcard;
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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-4467
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 770.00 enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Charles T.J. Weigell	Registration No. (Attorney / Agent)	43,398
Signature		Date	March 1, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

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This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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March 1, 2004

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313

Sir:

This Preliminary Amendment accompanies Applicant's Request for Continued Examination ("RCE"), submitted in response to the Final Office Action mailed August 21, 2003. On December 22, 2003, Applicant filed a Notice of Appeal, received by the Patent Office on December 29, 2003. Receipt of the Notice of Appeal commenced a two month period for filing an appeal brief, or taking other action, such as the filing of an RCE. As February 29, 2004 is a Sunday, the filings, bearing an executed certificate of mailing dated March 1, 2004, are timely. 37 C.F.R. §§ 1.7 and 1.8.

AMENDMENT

In accordance with the revised amendment practice, amendments to the claims are reflected in the listing of claims on pages 2-8 of this Paper. Claims 5, 6 and 15 are hereby canceled without prejudice.